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असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 22nd September, 1976/Bhadra 31, 1898 (Saka)

THE GUJARAT TENANCY LAWS (AMENDMENT) ACT, 1976

No. 37 of 1976

Enacted by the President in the Twenty-seventh Year of the
Republic of India.

An Act further to amend the Bombay Tenancy and Agricultural Lands Act, 1948 and the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958, as in force in the State of Gujarat.

44 of 1976.

In exercise of the powers conferred by section 3 of the Gujarat State Legislature (Delegation of Powers) Act, 1976, the President is pleased to enact as follows:—

1. This Act may be called the Gujarat Tenancy Laws (Amendment) Act, 1976.

Short title.

2. In section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948, as in force in the State of Gujarat,—

Amendment of section 43 of Bombay Act LXVII of 1948.

(i) for sub-section (1A), as inserted by the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960, the following sub-section shall be substituted, namely:—

‘(1AA) Notwithstanding anything contained in sub-section (1), it shall be lawful for such tenant or a person to mortgage or create a charge on his interest in the land in favour of the State Government in consideration of a loan advanced to him by the State Government under the Land

Guj. Act
XVI of
1960.

Improvement Loans Act, 1883, the Agriculturists' Loans Act, 1884, or the Bombay Non-agriculturists' Loans Act, 1928, as in force in the State of Gujarat, or in favour of a bank or co-operative society, and without prejudice to any other remedy open to the State Government, bank or co-operative society, as the case may be, in the event of his making default in payment of such loan in accordance with the terms on which such loan was granted, it shall be lawful for the State Government, bank or co-operative society, as the case may be, to cause his interest in the land to be attached and sold and the proceeds to be applied in payment of such loan.

Explanation.—For the purposes of this sub-section, “bank” means—

(a) the State Bank of India constituted under the State Bank of India Act, 1955;

(b) any subsidiary bank as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959;

(c) any corresponding new bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

(d) the Agricultural Refinance and Development Corporation, established under the Agricultural Refinance and Development Corporation Act, 1963;

(ii) in sub-section (1B), for the word, brackets, figure and letter “or (1A)”, the word, brackets, figure and letters “or (1AA)” shall be substituted.

Amend-
ment of
section
57 of
Bombay
Act
XCIX
of 1958.

3. In section 57 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958, as in force in the State of Gujarat, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in sub-section (1), it shall be lawful for such tenant or a person to mortgage or create a charge on his interest in the land in favour of the State Government in consideration of a loan advanced to him by the State Government under the Land Improvement Loans Act, 1883, the Agriculturists' Loans Act, 1884, or the Bombay Non-agriculturists' Loans Act, 1928, as in force in the State of Gujarat, or in favour of a bank or co-operative society, and without prejudice to any other remedy open to the State Government, bank or co-operative society, as the case may be, in the event of his making default in payment of such loan in accordance with the terms on which such loan was granted, it shall be lawful for the State Government, bank or co-operative society, as the case may be, to cause his interest in the land to be attached and sold and the proceeds to be applied in payment of such loan.

19 of 1883.
12 of 1884.
Bom. III
of 1928.

23 of 1955.

38 of 1959.

5 of 1970.

10 of 1963.

19 of 1883.
12 of 1884.
Bom. III
of 1928.

Explanation.—For the purposes of this sub-section, “bank” means—

- 23 of 1955. (a) the State Bank of India constituted under the State Bank of India Act, 1955;
- 38 of 1959. (b) any subsidiary bank as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959;
- 5 of 1970. (c) any corresponding new bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;
- 10 of 1963. (d) the Agricultural Refinance and Development Corporation, established under the Agricultural Refinance and Development Corporation Act, 1963.’

FAKHRUDDIN ALI AHMED,
President.

S. K. MATTRA,
Jt. Secy. to the Govt. of India.

Reasons for the enactment

Section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948, which is in force in the Bombay area of the State of Gujarat, prohibits transfer, without the previous sanction of the Collector, of land purchased by a tenant, or sold to any person under certain provisions of the Act, except by way of mortgage or creation of a charge in favour of the State Government or a co-operative society. Likewise, section 57 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958, which is in force in the Kutch area of the State of Gujarat prohibits the transfer of land purchased by a tenant or sold to any person under certain provisions of the Act, without the previous sanction of the Collector. The above restrictions put impediments in the way of tenants and other interested persons obtaining loans even from recognised public credit institutions like the Agricultural Refinance and Development Corporation, nationalised banks, etc., for the purpose of agricultural development. It is considered necessary to remove such restrictions by including more institutions in the list of those in whose favour a mortgage or a charge can be created. This measure seeks to achieve the aforesaid object.

2. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee of Parliament on Gujarat Legislation. This measure is accordingly being enacted without reference to the Consultative Committee.

K. S. NARANG,

*Secretary to the Government of India,
Ministry of Agriculture and Irrigation,
(Department of Agriculture).*